

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**MONDAY, DECEMBER 28, 2009.**

[135]

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Monday, December 28, 2009.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, as we enter into the closing days of the decade, we turn our thoughts and attention to You, Our Creator. Upon reflection, we are grateful for the material and spiritual blessings and gifts which we have received and enjoyed during the past ten years. We ask for pardon and forgiveness for the occasions and the times during which we have not lived up to our personal intentions, ideals and goals. Teach us to learn from our past accomplishments and failures as we plan and look forward to the future. May our hearts and minds be filled with hope, peace and joy as we begin to address the many challenges and opportunities which we face today and in the future. We pray for the intellectual and moral courage to remain faithful to our principles, religious principles and values.

Grant Your blessings to the Speaker, the members and employees of this House and to their families. Amen.

Prayer.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

## *Recess.*

At seven minutes after eleven o'clock A.M., on motion of Mr. Garballey of Arlington (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at four o'clock P.M., the House was called to order with Mr. Moran of Boston in the Chair.

Recess.

## *Resolutions.*

Resolutions (filed with the Clerk by Mrs. Poirier of North Attleborough) congratulating Russell and Sandy Stockwell on their fiftieth wedding anniversary were referred, under Rule 85, to the committee on Rules.

Russell and Sandy  
Stockwell.

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the Rules, on motion Mr. Jones of North Reading of, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

## *Petition.*

Mr. Rosa of Leominster (by request) presented a petition (subject Joint Rule

Deceptive practices.

12) of Elmir Simov relative to legal claims, damage payments, attorney fees and rights to jury trials in unfair and deceptive practices cases; and the same was referred, under Rule 24 to the committee on Rules.

*Papers from the Senate.*

**Bills**

Relative to the Wareham Library certification (Senate, No. 2163) (on a petition); and

Wareham, —  
library.

Modifying the Lowell Civic Stadium Commission (Senate, No. 2236) (on Senate bill No. 2232).

Lowell, —  
stadium.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

*Reports of a Committee.*

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill increasing the pension benefits payable to Aquinnah Sarah Burgess by the Attleboro retirement system (printed as Senate, No. 2179) be scheduled for consideration by the House.

Aquinnah Sarah  
Burgess,—  
pension.

Under suspension of Rule 7A, on motion of Mr. Bowles of Attleboro, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill validating the actions taken at an annual town election in the town of Concord (printed in House, No. 4397) be scheduled for consideration by the House.

Concord,—  
validate  
election.

Under suspension of Rule 7A, on motion of Mr. Jones of North Reading, the bill was read a second time forthwith; and it was ordered to a third reading.

*Emergency Measure.*

The engrossed Bill establishing a sick leave bank for Jeanette Ross, an employee of the Trial Court (see House, No. 4311, amended) having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Jeanette,—  
sick leave bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

*Engrossed Bill.*

The engrossed Bill authorizing the town of Sharon to grant licenses for the sale of wines and malt beverages at a food store, not to be drunk on the premises (see House, No. 4371) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

*Orders of the Day.*

The Senate Bill designating a certain bicycle path in the city of Fall River and the town of Somerset as the Army Private Micheal E. Bouthot Bicycle Path (Senate, No. 2204) (its title having been changed by the committee on Bills in the Third Reading), reported by the said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third  
reading  
bill.

House bills

Validating the actions taken at the annual town election held in the town of Plympton (printed in House, No. 4286);

Third  
reading  
bills.

Relative to a wastewater management district in the town of Harvard (House, No. 4407);

Authorizing the town of Chelmsford to regulate the removal of aboveground utility poles and overhead wires and other associated structures and to regulate the installation of underground wires and associated structures (House, No. 4408) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the police department of the University of Massachusetts (House, No. 4409) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by the said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The engrossed Bill relative to the leasing of certain parcels of land in the city of Boston (see House, No. 4356), which had been returned to the House by His Excellency the Governor with recommendation of amendment (for message, see House, No. 4377), was considered.

Brighton and  
Allston,—  
Smith  
Community  
Health Center.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form appearing in House document numbered 4377 (as approved by the committee); and the report was accepted. The amendment recommended by the Governor then was rejected.

Mr. Pedone of Worcester then moved to amend the bill by adding the following section:

“SECTION 6. Consideration for the lease of the property described in section 1 shall be no less than fair market value for comparable rentals by the commonwealth. A lease agreement entered into pursuant to this act by or on behalf of the commonwealth shall provide that, in lieu of the payment of rent, the lessee shall provide students at a community college or state institution of higher education with opportunities to gain clinical experience in nursing and other medical fields by working with clients of the lessee, on such terms and conditions as the division of capital asset management and maintenance and lessee deem appropriate.”.

Sent to the Senate for its action.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

*Ordered*, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

Next  
sitting.

Mr. Walsh of Boston then moved that as a mark of respect to the memory of John T. Tynan, a member of the House from Boston from 1951 to 1965, inclusive, and Budget Director of the House committee on Ways and Means from 1965 to 1976, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at a quarter before five o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Moran of Boston being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M., in an Informal Session.